



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )

Thomas N. Toombs and Micky Holtzman )

Group Art Unit: 2781

Serial No.: 09/186,064 )

Examiner: Myers, P.

Filed: November 4, 1998 )

For: MULTIPLE MODE )  
COMMUNICATIONS SYSTEM )

Assistant Commissioner of Patents  
Washington, D.C. 20231

**DECLARATION OF THOMAS N. TOOMBS**

Sir:

I, Thomas N. Toombs, declare as follows, under the penalty of perjury:

1. I am the co-applicant with Micky Holtzman of the above-identified patent application and an employee of SanDisk Corporation, a company specializing in production of non-volatile computer memories and the Assignee of the above-identified application. I have been employed by SanDisk since October 16, 1995, and my current position is Director of Special Products.

2. Siemens AG had begun developing a MultiMediaCard (MMC) system which was read only and employed a single protocol, the MultiMediaCard protocol. To expand Siemens AG's single protocol, read only system to a read and write system which included flash memory, Siemens originally approached SanDisk due to SanDisk's experience in the production of flash memories. The MultiMediaCard Association (MMCA) grew out this collaboration between Siemens AG and SanDisk Corporation to define a system of standards for the operation of the system as described in "The MultiMedia Card System Specification", of the MMCA Technical Committee, Version 1.4.

The initial meetings on this process occurred in mid 1996 and I was involved from the beginning of the collaboration. Mr. Holtzman became involved a few months later when it was decided to move into the development phase.

3. The invention, as embodied in the claims of the above-identified patent application, is that of Mr. Holtzman and myself. These claims relate to the use of a memory card with a plurality of protocols, as is described in chapter 7 of "The MultiMedia Card System Specification" of the MMCA Technical Committee, Version 1.4. The inclusion of this material into this document is a result of our work in the MMCA Technical Committee for establishing a standardization of these systems. As such, those portions of this reference relevant to the above-identified patent application are a publication of our own invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed this 20 day of June, 2000, at Sunnyvale, California.

A handwritten signature in black ink, appearing to read "Thomas N. Toombs", written over a horizontal line.

Thomas N. Toombs